

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15466 of the Mandarin Palace, Inc., pursuant to 11 DCMR 3107.2, for modification of Condition No. 2 of the Board's Order to allow restaurant use of the second floor addition in Application No. 14534 of Prakrit Laohaphan, as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the floor area ratio requirements (Paragraph 5301.11) to construct a rear addition to the premises, first floor deli/restaurant and second floor Office, at premises 5540 Connecticut Avenue, N.W., (Square 1859, Lot 801).

HEARING DATE: March 13, 1991
DECISION DATE: March 13, 1991 (Bench Decision)

ORDER

By BZA Order No. 14534, dated April 3, 1987, the Board granted a variance from the floor area ratio requirements to permit an addition to the subject building in accordance with the plans marked as Exhibit No. 10 in the record in that case. The Board's approval was further conditioned as follows:

1. The first floor of the addition shall provide for the extension of the existing restaurant.
2. The second floor of the addition shall be used for offices.

The applicant completed construction and the premises were occupied in accordance with the Board's Order.

Subsequent to its occupancy for office use, the second floor was damaged by fire. At that time, the applicant applied for a building permit to renovate the second floor space to extend the existing first floor restaurant rather than continue its use for office space. On January 30, 1990, the Department of Consumer and Regulatory Affairs (DCRA) issued a building permit for the proposed renovation. On July 13, 1990, the DCRA issued a Certificate of Occupancy permitting additional seating for up to 62 individuals for the restaurant use of the second floor. The Certificate of Occupancy was subsequently revoked when DCRA became aware of the Board's Condition limiting the use of the second floor to office space. The applicant is now seeking a modification of the Board's previous Order to allow restaurant use of the entire structure.

Based on the record in the instant case and BZA Application No. 14534, the Board concludes that the proposed modification is minor and can be granted without substantial adverse impacts. The C-1 District permits restaurant use as a matter of right.

BZA APPLICATION NO. 15466

PAGE 2

Construction in accordance with the Board's previous Order has been completed and there will be no additional exterior changes to the structure. No additional variance relief is required. There was no opposition to the proposed modification. Accordingly it is hereby ORDERED that CONDITIONS No. 1 and 2 of the Boards Order No. 14534, dated April 3, 1987, are hereby DELETED. In all other respects, the Order of the Board shall remain in full force and effect.

VOTE: 5-0 (Paula L. Jewell, Charles R. Norris, Tersh Boasberg, Sheri M. Pruitt and Carrie L. Thornhill to delete Condition No. 2).

3-0 (Sheri M. Pruitt and Carrie L. Thornhill to delete Condition No. 1; Charles R. Norris to delete Condition 1 by proxy; Tersh Boasberg and Paula L. Jewell abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

MAR 29 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15466Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15466

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAR 29 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Alice Wu
Mandarin Palace
5540 Connecticut Avenue, N.w.
Washington, D.C. 20015

Dimitri P. Mallios
Kathleen McTeague
1503 - 21st Street, N.W.
Washington, D.C. 20036

Mr. Allen Beach, Chairperson
Advisory Neighborhood Commission 3-G
P.O. Box 6252
Washington, D.C. 20015

A handwritten signature in dark ink, appearing to be "ELC", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: MAR 29 1991

ATT. 3/BHS